

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERTO RODRIGUEZ,

Petitioner,

-v-

ATTORNEY GENERAL,

Respondent.
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DOC #:
DATE FILED: 7/16/10**

ORDER

10 Civ. 3868 (PGG) (JLC)

JAMES L. COTT, United States Magistrate Judge.

Roberto Rodriguez has petitioned this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and the matter has been referred to the undersigned for a report and recommendation. I have considered the petition preliminarily and it is hereby ORDERED that:

- (1) the respondent shall file an answer, motion, or other pleading on or before September 15, 2010;
- (2) the answer or motion shall include an affidavit describing any facts relevant to the answer or motion and all documents necessary for the adjudication of this matter, including but not limited to transcripts of any relevant proceedings, the briefs submitted on appeal, the record in any state post-conviction proceedings, and such other information as may be necessary for this Court to adjudicate the petition;
- (3) petitioner shall have thirty (30) days from the date on which he is served with respondent's papers to file a response, and the petition will be considered fully submitted as of that date; and
- (4) the response (whether by answer, motion, or otherwise) may not be in letter form. Any factual assertions must be set forth in an affidavit or declaration, except those for which transcript or other record citations are provided. A memorandum of law must

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accompany the submission. The memorandum must contain a fact section that includes citations for all statements of fact – whether to a transcript, other record document, the affidavit or declaration, or a document annexed thereto.

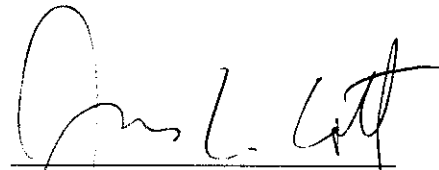
(5) An extra copy of all papers served and filed shall be sent to the Chambers of the undersigned at 500 Pearl Street, New York, NY 10007.

(6) Since petitioner is pro se, respondent must send to petitioner a copy of each unpublished decision that is cited in his memorandum of law.

The Clerk of the Court is directed to serve a copy of this Order and any other orders previously issued by the Court, the underlying petition, and any documents filed by the petitioner in support of the underlying petition (or in response to any order previously issued by the Court) on the Attorney General for the State of New York, Attn: Criminal Division, Habeas Corpus Section. Such service shall be made by Certified Mail, Return Receipt Requested.

SO ORDERED.

Dated: New York, New York
July 16, 2010



JAMES L. COTT
United States Magistrate Judge

Copies of this Order have been sent via Regular Mail to the following:

Roberto Rodriguez
79-25 Winchester Blvd., 9B
Queens Village, NY 11427

Office of the Attorney General, New York State
Criminal Division, Habeas Corpus Section
120 Broadway
New York, NY 10271

Hon. Paul G. Gardephe